









## THE SUPREME COURT.

DECISIONS RENDERED FRIDAY, JANUARY 17, 1890.

Hons. L. E. Bleckley, Chief Justice, and W. H. Landford and T. J. Simmons, Associate Justices. Reported by Peoples and Stevens, Supreme Court Reporters.

Moely vs. Walker et al. Motion to set aside judgment from Henry. Contracts. Practice. Mortgages. Landlord and tenant. Before Judge Boynton.

Bleckley, C. J.—Where the same written contract contains two promises on the part of the maker, one to pay the promisee or bearer a sum of money at a fixed time, the other, in case of failure punctually to pay the same at maturity, to recognize themselves as tenants of the promisee, they constitute him their landlord to collect out of them 2,000 pounds of lint cotton for rent, the former is an unconditional, the latter a conditional promise. In a suit upon the former alone, no issue of defense on oath or otherwise being filed, a judgment rendered by the court without the verdict of a jury is legal and valid.

2. That the contract also embraces a mortgage upon certain land to secure the payment of the money, is no obstacle to a suit upon it as a promissory note, the mortgage being of the instrument not being involved in the action.

Judgment affirmed.  
W. J. Albert and G. W. Bryan, for plaintiff in error.  
E. J. Reagan, contra.

Regenstein & Co. vs. Tyler & Co. Equity. From Pike. Practice. Amendment. Process. Valued. Before Judge Boynton.  
Landford, J.—Under act of October 24, 1887, a bill in equity for injunction and receiver, addressed to the judge of the superior court and praying for the same, and on which the defendant's attorney acknowledged service and waived process, should not have been dismissed on demurrer for the reasons that "defendant is warranted to appear by subpoena and not by process," and "that the same is a proceeding in equity and not in law." The defect of address and the irregularity of prayer were amendable, and the defendant's appearance and plea, and that the same is a proceeding in equity and not in law." The defect of address and the irregularity of prayer were amendable, and the defendant's appearance and plea, and that the same is a proceeding in equity and not in law." The defect of address and the irregularity of prayer were amendable, and the defendant's appearance and plea, and that the same is a proceeding in equity and not in law.

Judgment reversed.  
S. N. Woodward and R. T. Dorsey, for plaintiffs.  
J. F. Redding, for defendants.

Henry et al. vs. Hill. Suit on Bond. From Murray. Judgments. Pleadings. Estoppel. Before Judge Milner.

Simmons, J.—Where a suit on a note two of the defendants filed no plea, and the other two, as administrators, filed a plea which called a plea of administration not sworn to but upon which a trial was had and against which the jury found, and the judge awarded judgment against the defendants, the defendants who filed no plea, and another judgment was entered against the administrators, both of which judgments were put upon the minutes, the administrators were estopped, in a subsequent suit upon their bond, from setting up that the judgments were illegal. The plaintiff's waiver of verification of the plea gave the administrators the benefit they could have derived had the plea been sworn to. Nor could their sureties take advantage of the illegality, especially if they made no separate motion for non-suit. 20 Ga. 578.

Judgment affirmed.  
W. C. Martin and R. J. & J. McCamy, for plaintiffs in error.  
Trammell Starr, contra.

Mayor and Council of Griffin vs. Johnson. Case, from Spaulding. Municipal corporations. Verdict. Negligence. Damages. Practice. Deceit. New trial. Evidence. Before Judge Boynton.

Simmons, J.—1. Under the evidence, a verdict against a city for \$1,000 for injuries sustained by its negligence in knowing and allowing a hole made by the removal of a plank from a bridge on one of its principal streets, to remain from five to twenty days, was demanded, and was moderate.

2. If a demurrer be improperly overruled, no new trial is needed; such overruling should be excepted to.

3. Complaint of admission of testimony should show that the specified objection was made when the testimony was offered.

4. The context of the declaration showing that the omission of the word "not" was merely a clerical error. Such omission would not form basis for objection to testimony.

5. The evidence showing that the city authorities were negligent in allowing the hole to be there.

6. Failure to charge to the measure of damages, that the jury should consider plaintiff's declining years, and the apparent decrease year by year of his capacity to labor, was no hurt to the defendant where the verdict was as small as it could rightfully have been had such charge been given.

6. Points of law proper as grounds for demurrer ought not to be made first in this court under a ground for new trial that the verdict was contrary to law.

Judgment affirmed.  
Lloyd Cleveland and Hall & Halland, for plaintiff in error.  
Stewart & Daniel, F. D. Dismuke and R. T. Dorsey, contra.

Supreme Court of Georgia—October Term 1889.

Order of circuits, with the number of cases remaining undisposed of:

Heel of Flint. . . . . 1 Albany. . . . . 20  
Ocmulgee. . . . . 20  
Macon. . . . . 20  
Chattahoochee. . . . . 11  
Tallapoosa. . . . . 11  
Southwestern. . . . . 20

Mr. J. R. Irwin was admitted to practice at this bar.

Cases of the Flint circuit argued:

No. 11. N. E. Mortgage Security Co. vs. Ober. Concluded.

No. 12. Venus vs. Ga. Midland and Gulf Railroad Co. From Henry. G. W. Bryan, W. T. Dicken and R. J. Reagan, for plaintiff in error. Beck & Cleveland, contra.

No. 16. Carr vs. City of Conyers, from Rockdale. G. W. Gleason, for plaintiff in error. J. C. Barton and J. R. Irwin, contra.

No. 17. Jones vs. Farmer, Douglas & Co. from Newton. E. B. Edwards, for plaintiff in error. L. R. Middlebrooks, by brief, contra.

No. 18. Tenn vs. Willingham, from Rockdale. G. W. Gleason, for plaintiff in error. A. C. McCalla and J. N. Glenn, for plaintiff in error. G. W. Gleason, contra.

No. 22. Perkins vs. Reams, from Spaulding. E. W. Hammond and L. Cleveland, for plaintiff in error. Stewart & Daniel, contra.

The cases of this circuit were continued or dismissed.

The court adjourned to Monday morning at 9 o'clock.

Rheumatism is caused by lactic acid in the blood, which Hood's Sarsaparilla neutralizes, and thus cures rheumatism.

**\$2,700 WANTED.**  
An Inducement Offered for \$2,700 for One Year.

I can buy for about \$2,700 a piece of property which will cost for \$2,700 for one year, and will give to any one who will lend the money for one year with the privilege of two, for the purpose of buying same, I will have the same made to said lender, and will give total income from said property, and in addition will pay said lender four per cent per annum, payable semi-annually in ADVANCE. Address W. J. W., box 34, Atlanta.

DERANGEMENT OF THE LIVER, with constipation injures the complexion, induces pimples, yellow skin. Remove the cause by using Carter's Little Liver Pills. One a dose. Try them.

Crew-Street 6-Room Cottage Home, \$3,150 New, neat, choice. Sam'l W. Goode & Co.

It Isn't Everybody who can keep a hotel successfully. Matthews & Pierson are the popular proprietors of the Stratford House, Broadway, and Twenty-ninth street, New York. Strangers are made to feel so thoroughly at home that a visit is always associated with this popular house.

PHILIP'S DIGESTIBLE COCOA, a delicious fat-producing drink which does not distress.

Thanks to Mrs. Winslow's Soothing Syrup, we have been relieved from sleepless nights of painful watching, with poor, suffering teething children. Twenty-five cents a bottle.

## MRS. STEWART'S WILL.

A Settlement Between All the Parties—No Further Litigation.

New York, January 17.—The formal proceeding dismissing the action for the revocation of the probate of the will of Mrs. Cornelia M. Stewart, widow of A. T. Stewart, was signed yesterday afternoon, Judge O'Brien, of the supreme court, also signed an order discontinuing the suit of Mrs. Sarah N. Smith against Judge Hilton and his co-executor, Mr. Church, for an accounting. Lawyers in the case gave out a statement yesterday afternoon, in which they announce that litigations are ended, and set forth the effect of settlement as follows:

First, Judge Hilton retains all that he received during Mrs. Stewart's lifetime, and all that he has ever claimed the right to retain, except that he has released the estate from its indebtedness of \$887,575. Second, all parties interested under the will receive what the terms of the will entitles them to. Third, the testamentary interests of Mrs. Stewart in respect to the cathedral at Garden City receive their full effect by the conveyance of an additional quantity of land, also double the quantity conveyed to it by Mrs. Stewart during her lifetime, and half a million of dollars in addition to the \$800,000, which the cathedral now holds against the estate and in addition to the property upon which Mrs. Stewart expended upwards of \$2,000,000 during her lifetime. This gives the estate left by Mrs. Stewart, after the payment of legacies and of the cathedral endowment to persons entitled under her will, in the following proposed settlement, which she has accepted, the sum of \$1,000,000. Mrs. Stewart, takes three-tenths, Sarah N. Smith, three-tenths, three half sisters of Mrs. Stewart, one-tenth each, and the children of Mrs. Charles K. Butler, one-sixteenth each. The above provisions are set forth in detail surrounded by legal verbiage in an agreement made on the 15th instant between all parties in interest.

Mrs. Scott-Siddons.  
From the Boston Herald.

Tremont Temple was packed with people last night. Mrs. Scott-Siddons, who was the particular star of the evening's entertainment, and right royally did she demonstrate that she merited an honorable distinction by the excellent performance of her several selections. Mrs. Siddons is one of the most perfect vocalists I ever saw on the stage, and that beauty is not one which diminishes when she is away from the footlights. Her songs are of the purest quality, and she is so seldom seen, and her skin has that delicate opalescence which is so rare. Mrs. Siddons is one of the few women of modern times who impress me as being really tall. That is because she carries herself so well. She is as fascinating in conversation and manner as she is in appearance. Her voice is delightfully modulated, with a refined English accent that falls pleasantly upon the ear.

Entitled to the Best.  
All are entitled to the best that their money will buy, so every family should have at once a bottle of the best family remedy, Syrup of Figs, to cleanse the system when constive or bilious. For sale in 50c and \$1 bottles by all leading druggists.

"It Disagrees with Me."  
A common remark. If you take Tutt's Pills you can eat anything you like, and feel no bad effects. They act upon the liver, stomach and bowels, causing a free flow of gastric juice, which is essential to good digestion and regular bowels.

Don't Fear Now.  
Rev. R. Burts, of New York, writes: "Tutt's Pills are held in high repute as a Liver Regulator. I hardly know how we could get along without them. Chills and fever have lost their dread. Our people take one or two doses of the Pills, and follow it with five grains of quinine, divided in three doses during the day. The chill never returns."

Tutt's Liver Pills  
CURE CHILLS AND FEVER.  
Price, 25c. Office, 39 & 41 Park Place, N. Y.

Piedmont, Ala., Real Estate  
SALE.

200 ACRES IN A BODY  
Well located, joining the:

Booming City of Piedmont!  
Finest property in the state for a speculation. Can be sub-divided and

Large Profits Made.  
To be sold at commissioners' sale, JANUARY 22, 1890.

As the property of J. T. A. Hughes, deceased. One-third cash, balance two equal notes with interest one year and two years.

For information apply to  
JAN 18-21 R. F. HUGHES, Commissioner, Piedmont, Ala.

STUART'S  
GIN AND BUCHU

—CURES—  
GLEET,  
DIARRHÆA,  
INDIGESTION,  
RHEUMATISM,  
PAIN IN THE SIDE,  
KIDNEY TROUBLES,  
LOSS OF APPETITE,  
BRICKDUST DEPOSIT,  
MIGRAINE DISCHARGES,  
IRRITABLE BLADDER,  
CATARRH OF BLADDER,  
SUPPRESSION OF URINE.

STUART'S GIN AND BUCHU  
Is not a King Cure-All, but for all Bladder, Kidney and other Urinary Disorders it has no equal.

Sold by All Druggists.  
Use Stuart's Medicated Prune Juice if your liver is deranged. You will find it pleasant, mild and effective. Ask your druggist for it.

jan 18-19 r m.

**Haviland China.**

We are now offering this line of goods at very low prices. Everybody knows that this brand of goods is

The Best,  
and when they buy it they are getting some thing good.

We have a full and complete line of

IMPORTED CROCKERY

of the latest and most fashionable designs. It is up to the highest standard and guaranteed to be strictly first-class.

Our GLASSWARE and LAMP STATUARY are unusually fine.

All Goods at a Low Price.

DOBBES, WEY & CO.,  
Peachtree street.

## MISCELLANEOUS.

**Ely's Cream Balm**  
THE CURE FOR  
**CATARRH**  
HAY-FEVER  
AND  
**COLD IN HEAD**  
Ely's Cream Balm is not a liquid, snuff or powder. Applied into the nostrils it is quickly absorbed. It cleanses the head, allays inflammation, heals the sores. Sold by druggists or sent by mail on receipt of price.  
**50c** ELY BROTHERS, 56 Warren Street, NEW YORK. **50c**

**MOTHERS**  
AND  
THOSE EXPECTING  
TO BECOME MOTHERS  
A TINY BUD, WHOSE FLOWER CANNOT BE SEEN  
MAY BLOOM TO BESS A WARNING YEARS.

## WARNING!

Many INTERNAL REMEDIES are skillfully advertised to LESSEN PAINS OF CHILD-BIRTH and to REGULATE MENSTRUATION. Common sense should teach any woman that a remedy for MENSTRUAL DISORDERS will not prepare the system for CHILD-BIRTH; on the contrary, they may IMPERIL her LIFE. We earnestly say to all women who are suffering from these troubles, BEWARE OF ALL SUCH; they can at this period do no good, and may PROVE FATAL. The hour of CHILD-BIRTH is robbed of its pain and terror; NO REMEDY ON EARTH DOES THIS BUT "MOTHER'S FRIEND." Book to "Mothers" mailed free. THE BRADFORD REGULATOR CO., Atlanta, Ga., Proprietors. Sold by all druggists.

## "MOTHER'S FRIEND"

## CENTRAL RAILROAD OF GEORGIA.

No change of cars between Atlanta and Jacksonville, Fla., and intermediate points, per to Savannah, Ga.

On and after this date Passenger Trains will run daily, except those marked, which are run daily, except Sunday. And those marked are run on Sunday only.

Leave Atlanta. . . . . 7:00 am  
Arrive Jacksonville. . . . . 12:30 pm  
Leave Jacksonville. . . . . 1:30 pm  
Arrive Atlanta. . . . . 7:00 am

Leave Savannah. . . . . 6:40 pm  
Arrive Jacksonville. . . . . 11:30 pm  
Leave Jacksonville. . . . . 12:30 pm  
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For Carrollton, Thomaston, Perry, Fort Gaines, Milledgeville, Buena Vista, Blakely, Clayton, Ala., Sylva, Sandersville, Wadleyville, Eatonton, Milledgeville, take the 6:30 a. m. train from Atlanta.

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## RAILROAD TIME TABLE.

Showing the Arrival and Departure of All Trains from This City—Central Time.

CENTRAL RAILROAD OF GEORGIA.  
ARRIVE. DEPART.

No. 3, from Savannah. . . . . 7:00 am  
No. 15, from Griffin and East Point. . . . . 8:00 am  
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and we think that the melon-growers may depend on the roads to co-operate with them more and more each season. The business

men to schools and teachers of their own, would be impossible to say. The real reason at the bottom of it all is their snob-

**OLFAK.**—The late Schnypier Colfax left a son who has no taste for public life. He devotes himself to the study of music.

houses of the Mississippi legislature in joint session, tonight, elected Miss Rose Lee Tucker state librarian over Mrs. Moroney, for fourteen years the incumbent.

many have the sincerest sympathies of many friends in their sad bereavement. The body was taken to the undertaking establishment of Mr. H. Paterson, and from thence to the residence of Mr. Abe Foote, on Winsor street.

Kimball now towers aloft. He owned the lot which the old capital stands, and sold it for \$100. Patrolman Lem Ivy, call-man for the evening watch, is a younger son of Mr. H. P. Ivy.

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## OVER ALABAMA.

EVERYBODY GONE TO GUESSING ABOUT THE L. AND N. DEAL.

As H. and D. Party Here Last Night on a Tour of Inspection—A New Line of Sleepers from Atlanta.

People in Georgia are inclined to be skeptical about the Louisville and Nashville coming to Atlanta.

"They're bearing the market," is the general comment.

"Some scheme or other about the Western and Atlantic leave."

"Advertising their road."

"All talk."

In spite of the assurance that the Louisville and Nashville own the Rome and Decatur, and notwithstanding the assurance of an Louisville and Nashville official that "our road won't bid for the Western and Atlantic; we are not going to stop at a stone wall in Chattanooga; we are going to have a run of our own straight from Nashville to Atlanta."

People are inclined to reserve their opinion and view the whole matter cautiously, not to say distrustfully.

"The Louisville and Nashville haven't loaded themselves with dead matter," said a level-headed railroad man yesterday. "They have some new material that might be connected with a line from Nashville to Atlanta, or just let alone, and in either case made to pay. After the Western and Atlantic is disposed of they can go in either direction—sell out or extend. They can drop the whole thing without loss. The visionary map laid out by the Louisville and Nashville man the other day is a sort of possibility—no more. In short, I don't think the Louisville and Nashville is coming to Atlanta with a road of their own."

But in Alabama the whole thing is taken in dead earnest. The papers are all guessing at results and changes. Extensions and extensions.

One possible result, referred to in yesterday's CONSTITUTION, is the early extension from Jacksonville and Coosa railroad eleven miles, Atlanta to Gadsden to Guntersville, or Ontario. The Louisville and Nashville is to be pushed, through some connection and extension, to Brunswick. The Rome and Decatur, instead of going on to Decatur, might buy up the Atlanta, Warlick and Jasper road, connecting at Jasper with the Kansas City road.

Stephen Noble says the Louisville and Atlanta is to be extended to Bickston.

Anniston papers show the deal has put new life into their Blue Mountain mineral road; sent Woodstock Iron company stock from fifty-four to sixty-one in four days, and sent Gadsden city up beyond the clouds, with South Anniston firm at seventeen and a half.

Whether the Louisville and Nashville deal is a paralytic fact or not, it has pretty thoroughly stirred up the people in Alabama.

Covington to Lawrenceville.

Mr. J. W. Anderson, of the Covington Star, was here yesterday. "I think," he said, "that our people are thoroughly in earnest about the road from Covington to Lawrenceville. Lawrenceville, you know, is the terminus of a narrow gauge spur of the Richmond and Danville. The Georgia, Carolina and Northern will go through Lawrenceville, and the road to that place will put us in connection, therefore, with both the Richmond and Danville and the Georgia, Carolina and Northern. I am trying to learn how whether the Richmond and Danville and the Georgia, Carolina and Northern people will help us. I believe they will, for it would pay both. The Lawrenceville branch would be changed at once to a broad gauge. The line we want is built. From Covington to Lawrenceville is twenty-eight miles; the grading wouldn't average over \$500 a mile, and I believe the whole thing could be done for \$120,000."

Knoxville and Northeastern.

Work has commenced, under direction of Engineer W. A. Park, and six miles have been laid in a few days. From Knoxville the road is to go up the Holston river for several miles, then cross the river and get into the section of country known as "the Forks." The line is to be about twenty miles long in Knoxville county. It passes out of Knoxville into Jefferson, and will go, it is understood, through the town of Dandridge. It will pass through a portion of Sevier county and then on to Cooke county. The terminus of the road has not yet been made public. There is, however, belief that the road will terminate in Cooke county at any point on the North Carolina branch of the Georgia, Carolina and Northern.

It is hinted that the company will build a much longer road, and I believe that important connections will be made.

A New Station.

The Chattanooga, Rome and Columbus have established a new station in an important and growing section along the line of the road. The station will be known as Copeland. It is four miles south of Rock Springs, two miles north of Waco's, and twenty-two miles south of Chattanooga. General Passenger Agent Sloan appointed J. C. Robinson agent at Copeland.

Atlanta Gets There.

Tomorrow the line of the road which is now running from Chattanooga to Shreveport, by way of Vicksburg, will be withdrawn from that route. Instead, they will run in future from Atlanta to Shreveport, by way of Birmingham and the Georgia Pacific.

That's an additional step in the improvement of the service between the two cities, and the Georgia Pacific. In a few days more Atlanta will have another daily train over the Georgia Pacific, connecting with the line to be built on the Richmond and Danville, and the sleepers will probably be used with this train.

The Georgia Pacific keeps creeping westward.

It has completed a survey from Ita, Ben, on the Tallahassee river, west to Jacksonville, Fla., on the Louisville, New Orleans and Texas. From Jacksonville it is just fourteen miles across the Mississippi to Helena, Ark., and the people there are taking a great deal of interest in the extension. They want the Georgia Pacific in Helena.

Another Railroad Scheme.

ATHENS, Ga., January 17.—(Special.)—Athens has another railroad on hand. Some time since, a charter was granted to build a road from Dawsonville to Gainesville, but the road has never been built. The news comes from Athens today, in a communication from a citizen of Dalton, Ga., that the people of that section are anxious to have a railroad connection with Athens, and are ready to do their part to secure it. The proposition has already been made and, it is said, favorably considered by capitalists of North Georgia, to tap the Marietta and North Georgia at Dalton, and run a line from that point to Lila. This would enable the marble men to ship to Port Royal via Athens, and to Norfolk via Athens, and would open up large trade fields to us. It is believed here to be a very feasible scheme.

Richmond and Danville Inspection.

A special train, bringing a party of Richmond and Danville officials on a tour of inspection, came in last night at 9 o'clock, in place of the regular train, which was five hours late.

In the party were First Vice-President Oakman of New York; General Superintendent W. H. Green, of Washington; General Manager Sol Haus, and others. Superintendent Berke had gone up the road to meet them, and came in with them last night.

They leave for Birmingham today. Superintendent L. Y. Sage and Second Vice-President J. W. Johnston are expected over to leave with the party today.

A GREAT ENTERTAINMENT.

Stowe Bros'. Popular-Price. Circus and Wild West at Wheat and Jackson.

Notwithstanding the frigid weather of last night, there were fully two thousand people present at the performance of Stowe Brothers' circus and wild west, located at Wheat and Jackson streets. The matinee performance was almost as well attended.

The exhibition is one that is of undoubted merit, and the large audiences at both performances were very enthusiastic. The circus features are the big car, and that which catches the admiration of the crowds, is the Wild West. Chief Running Deer, the famous Indian warrior and present chief of the Comanche Indian tribe; Split Bark, Red Beaver, Kentucky Frank Buckeye, George, Oklahoma, and others, several other Indians and long-haired westerners provided an entertainment and gave an exhibition of frontier life, intensely realistic and thoroughly sensational in every detail of its interesting presentation.

It is the first wild west ever exhibited under a canvas in the south, and is fully the equal in border life that is not in size, of any portrayal of the riding of the Indian, Split-Bark, is something unequalled, and is the most daring exhibition of horsemanship, probably that has ever been presented to the public.

It is certain, that no better show

has ever visited Atlanta at such cheap prices of admission, while many more pretensions and higher-priced concerns are much inferior. Stowe Brothers will call again today, this afternoon at 2 o'clock and tonight at 8 o'clock, the last two performances.

FAIL FROM HOME.

Death of a Long Island Gardener Yesterday.

Bernhart Schuessler died at the Hotel Weinmeister yesterday afternoon.

His death was sudden and under rather peculiar circumstances. He came to the hotel on January 9th, paid for a month's board in advance, deposited \$30 in cash and kept eight or ten dollars in his pocket for his personal needs. Mr. Weinmeister saw that he was in the last stages of consumption when he arrived, and took pains to have him comfortably cared for. Dr. Nolan was summoned to attend him, and all was done that was possible to relieve his sufferings, but to no avail. He grew worse from day to day, and intended going further south, but for the recent cold snap, but never said a word as to whether he had relatives or friends living in the place from which he came. After his death, his papers were found on his person, but no papers were found on his person to give any clue to his identity, except a letterhead, in which the name of the lady, Mrs. Schuessler, beer saloon, gardener for the Lutheran church, Glendale, L. I. He was about forty years of age.

The remains were turned over to Undertaker Frank N. Riley, and Mr. Weinmeister telegraphed the mayor of Glendale, to know if the man has any relatives there, and to know what disposition to make of the remains. The body will be held until the mayor is heard from.

Thirty Years an Invalid.

The funeral of Miss Martha Smith, occurred at her late residence near Oakdale, yesterday morning.

Miss Smith was a lady who had suffered a great deal. Her limbs were drawn in such a manner that she was confined to her bed for thirty years. After her death, Messrs. Wiley & Clark had to take the measure and construct a coffin to order for the remains of the lady, who had suffered so long and so patiently under her great affliction.

Mrs. Bryan's Funeral.

Mrs. Annie Bryan, who died at her home, No. 233 Edgewood avenue, was a lady who had suffered a great deal. She was a lady of Christian character, and numbered among her friends the entire community. Her remains will be shipped to Chamblée, Ga., on the Richmond and Danville railroad, at 7:30 this morning by Undertaker Patterson.

A Young Lady's Death.

Miss Fannie Morris, daughter of Mr. Lewis Morris, died at her father's residence, No. 71 Butler street, yesterday morning. Miss Morris was about twenty years of age, and a young lady who was greatly beloved by all who knew her. The funeral will occur at 10 o'clock today.

MR. JERRY JOHNSON'S FUNERAL.

Laid to Rest with the Honors of a Confederate Veteran.

The funeral services of Mr. Jerry J. Johnson occurred at the Fourth Presbyterian church at 3 o'clock yesterday afternoon. Touching addresses were delivered by Rev. T. F. Cleveland, chaplain of the veterans, and Rev. Virgil Norcross.

The service was very impressive, and many beautiful tributes were paid to the honest and Christian-like life of the veteran soldier.

The pall bearers were T. J. Buchanan, John Jettis, Ed. McNeil, John Beavers, Mr. J. H. Butler, and John George. A large escort from the Confederate Veterans' association attended the service and accompanied the remains to the tomb.

PROFESSOR WALDEN IN ATLANTA.

A Well-Known Virginia Elocutionist Gives a Most Delightful Entertainment.

The entertainment which was given last night by Professor Gilbert Walden at the Young Men's Christian association was unique in its character and of great interest.

Before Professor Walden made his bow to the audience the M. C. orchestra played a number of every body with several beautifully executed selections. Everybody was interested in the music because it was known that it was the first time the orchestra had played in public, and it was greeted with much applause, which their work thoroughly deserved.

The music, however, was forgotten after Professor Walden appeared on the platform. He began with a few remarks on oratory, saying his desire was to instruct as well as amuse. His versatile talent was displayed to advantage by the range of the subjects he chose. Without effort he passed from the comic to the pathetic, and in every instance he carried his audience with him. He gave several extracts from Thomas Moore's "Powers of the Imagination," and his subject is as near perfect as possible. As the other extreme of elocution Professor Walden recited "Poe's" "The Raven," and his delivery was so perfect that the audience was electrified by the perfect recitation of the great author's tale.

The whole performance was excellent and everybody who heard Professor Walden went away enchanted.

Mrs. Scott-Siddons.

Mrs. Scott-Siddons, who is now making a limited tour of the United States, will appear at Atlanta next Tuesday night, the 21st instant. This will be one of the most delightful entertainments of the season. The fact that it is the first time of the Young People's League of Trinity appears the success of her visit to Atlanta.

Sol Smith Russell.

Our great American comedian comes in reality with a new play, although it bears the same name. The Chicago Journal thus noticed the change in the production:

"Discovering last season that his new play, 'A Poor Relation,' was destined to be a complete success, Sol Smith Russell concluded to make the piece do resistance of his annual tour this year. He set to work last spring to make the production worthy of the patronage they merited. The play was turned over to the author for a revision, and on Monday, January 14th, he presented a play worthy of the name of comedy. Mr. Russell opened at the Grand opera house Sunday evening in the reconstructed play, and his reception from the crowded houses must have cheered his heart and assured him that Chicago was still with him. The improvements made in the play were at once noticeable to those who had witnessed the performance last season. The lines have been considerably brightened up, and the situations greatly strengthened. The comedy has been made more plausible. Mr. Russell's part, as well as those of the members of the company, has been built up and embellished with bright sayings. Mr. Burridge's scenery is very fine from an artistic point of view, and merits warm praise. The company is the best the comedian ever brought to Chicago."

Emma Abbott Next Wednesday.

The beautiful little queen of the English opera, Emma Abbott, is billed for four nights and Saturday matinee next week, beginning Wednesday evening, at DeGue's opera house, and with a company in part new, and reported to outrank any ever heard in English opera in the country. The repertoire of all the features of its own that cannot be overlooked, for it has glittering novelties, two at least, that so far have been the operative novelties of the year. The first is "Ernani," Verdi's greatest creation, a grand tragic opera of first magnitude, vocally and orchestrally. The next is "Crown Diamonds," Ambler's charming opera of much beauty, melody, bright romance and pretty incidents, not so great as the other, but an exceedingly taking opera, and, in all, that goes to make opera attractive. The first will be preceded Wednesday evening, the latter Thursday. For Friday, Verdi's "Il Trovatore" will be put on. Saturday Abbott's matinee, "Ernani," with Abbott's "Last Rose of Summer." Miss Abbott will sing at each performance, and the cast will include Miss Annabelle, Miss Mirella, Michelena, Montegriffo, Praelte, Broderick, Allen, Keady, Karl, Martens, and a new great chorus and orchestra under Carl Martens. The sale of seats will begin this morning for the five performances.

THE BEST.

There is a certain grade of flour, whose qualities create surprise; Housewives tell of its purity.

And the cook for "Regal Patent" cries.

Many grades rise on the horizon. Of the grocery mart.

But "The Regal Patent" is the flour.

Dear to the baker's heart.

No other flour is half so cheap.

Nor yet one-half so pure.

And when other grades are forgotten, "The Regal Patent" shall endure.

Each dealer thinks his flour the best; They have the right, I'm sure; Put "The Regal Patent" to the test, You'll find it white and pure.

"The staff of life" is bread.

It should be sweet and white; "The Regal Patent" will make it so, And very pure and light.

If you would have good bread, Your table to adorn, Buy "The Regal Patent Flour" From your grocers, Hoyt & Thorn.

Never put off till tomorrow What you should do today; So hasten to buy "Regal Patent Flour," Ere other brands the way.

Jan 4-5-90.

## THE BONE FAMILY.

A DISCUSSION OVER THE QUESTION OF THEIR DISPOSAL.

Solicitor Hill Anxious to Have Them Remain in Jail Until Tried—Judge Clark to Decide This Morning—In the Courts.

There was a lively controversy in the criminal superior court room yesterday morning between Judge Clark and Solicitor Hill.

It was all about the Bone family, Buzbee and Buckalew.

After formally pronouncing the sentence to imprisonment for life upon Old Man Bone the manner of disposing of the other members of the Bone household was brought up by Mr. Walker, who asked that some one of the number be allowed to visit their homes in custody of an officer to straighten things up there.

"I'll grant the request," said Judge Clark, "if it is decided to continue them in jail."

Hon. James A. Gray asked the court to turn the whole family, Mrs. Buckalew and Buzbee loose.

"I think," continued the judge, "that I will concur in the action of the solicitor in releasing all the women on their own recognizance, and I will take the liberty of recommending to him that course, unless he can show sufficient cause why they should be held. They have the right to demand to be brought before me on the habeas corpus writ, and I say, if before I should concur in allowing the women to go on their own recognizance, if the solicitor should deem that course proper."

"I shall certainly not adopt any such course unless your honor orders me to do so," exclaimed Solicitor Hill quickly.

"I don't order it; I only suggested," replied Judge Clark.

"It was our understanding that the solicitor intended to release all the prisoners," interrupted Mr. Gray. "We had heard that such was his intention."

"You never heard any such statement from me," said Mr. Hill.

Then addressing the court, he continued, "You honor, I never had any intention of releasing any of those prisoners, and wouldn't have them let out for any consideration. It would thwart the ends of justice."

"But you must have evidence."

"I have the strongest evidence in the world, your honor, and have agencies on foot working as hard as I can. I can convict every one of them before any impartial jury in the country, and I intend to do it. Why the truth—not half of the truth—has been told here. I expect to be able to show that the killing of Jim Woodward was the result of one of the most diabolical and malicious plots we have ever had anything to do with. Why the bill of indictment is still against them. I charge, and we have evidence to sustain the charge, that every member of the Bone household knew of the plot, and further that poor Jim Woodward was enticed there by a note from Jessie Bone and killed. If you let those people out it will just make it so much the harder for us to convict them at the time they come. They are charged with being accessories before and after the fact, and if ever there was a plain case, this is here. No, sir, your honor, I'll never turn them loose unless you order me to do so."

Mr. Gray argued that the prisoners were not necessary at least after the fact, as the crime was not committed until after Mr. Woodward's death, when they were then where the crime was committed. He argued that they could not give information to the magistrate.

Judge Clark finally decided to take the matter as to the release of the female members of the Bone family under advisement until this morning, when he will announce his decision, when a day for trial will be set if they are continued in prison.

Pardon for a Chicken Thief.

Lydia A. Bankston, an old negro woman wants her son Sam pardoned from the penitentiary.

He was convicted of breaking into a chicken coop and stealing chickens about four years ago, and has served the length of time. A petition was filed in circulation about the court house yesterday to secure his release, and a great many signatures were attached. Among those who signed were the solicitor and the judge.

In the petition which will be presented to Governor Gordon in a few days it was stated that the fact that the son of the convicted penitentiary, that Bankston has behaved well during his four years of imprisonment.

The old woman also states that at the time of her conviction there was contradictory testimony and doubt as to his guilt. She is a widow and thinks that her son has served long enough, anyhow, for such a crime.

If Governor Gordon grants the petition it is highly probable that Bankston will fight shy of chicken roosts for a while, at least.

Heavy Mortgages.

Three mortgages aggregating about \$14,000 were yesterday recorded in the clerk's office on the stock and fixtures of clothing establishment of Fetzer & Pharr.

The first was for \$10,984.36 in favor of Schloss Bros. & Co., of Baltimore.

Another was in favor of Bernheim, Beam & Co., of New York, for \$1,512.84.

The third was for \$1,512.88, to August Bros., of New York.

The mortgages are given to secure the indebtedness of the firm. Mr. Fetzer said yesterday that he anticipated no further mortgage, but that his firm would pull through all right. "The houses to whom we executed the mortgages," he said, "are satisfied. They do not intend to push us, and will be easy with us until we are in shape to meet our accounts with them. The necessity of the mortgages was induced largely by the dull winter trade, on account of the mild weather."

The mortgage is for \$1,100, in favor of the Capital City bank.

Afternoon Mr. Hazza disposed of a sufficient amount of stock to Messrs. Liebman & Kauffman to satisfy the indebtedness. He said that there was no failure in the transaction, but that his business would still be continued.

Briefs.

C. C. Ray was on trial before Justice Pat today, charged with cheating and swindling.

W. S. Blair, the plaintiff, charges that Ray sold him a horse for \$100, and that the animal went lame a few days afterward; that the horse was no good on general principles, and that Ray knew it when the trade was made.

Judge Richard H. Clark yesterday set the trial of the East Point rioters for the first Monday in April next.

The criminal branch of the superior court adjourned yesterday. Judge Clark goes to attend to the business of the Stone Mountain circuit. He will be in chambers for a while this morning to close up a little unfinished work.

Clark Tanner is gradually improving in health, and will probably be able to be out in a few days.

Mr. Walter H. Rhett, receiver of the Jacobus clothing establishment, on Decatur street, yesterday received a number of bids for the entire stock. He will recommend the acceptance of one of these bids to Judge Clark this morning. The entire stock will bring about \$3,500, and the liabilities are in the neighborhood of \$30,000.

The Aken Bros. case, will come up for hearing before Judge Mashall Clarke today, at chambers.

\$2,700 WANTED.

An Inducement Offered for \$2,700 For One

I can buy for about \$2,700, a piece of property which rents for \$50 per month. As an inducement to any one who will lend the money for one year with the privilege of two for the purpose of buying same, I will have deed made said lender, and will give total income from said property, and in addition, will pay said lender four per cent per annum, payable semi-annually in ADVANCE.

Address W. J. W., box 24, Atlanta.

## ABOUT THE FEDERAL PRISON.

Colonel Buck Is Hopeful that the Law Will Pass in Congress.

"Yes, I think it will pass."

That was Colonel Buck yesterday on the bill for two government penitentiaries which has just gone to congress with the committee's favorable report.

"The necessity for it is so urgent," he said, "and so apparent, that I am very hopeful of its becoming a law."

"Where will the southern penitentiary be located?"

"In Atlanta. The need for it is general, but there is a peculiar need for it in Georgia, because of the law passed by the legislature allowing county jailers to be absolute judges of whether or not they shall receive United States prisoners. The government is put in a very awkward position, and by a concert of action amongst the county jailers, a very serious state of affairs might be created."

"With the penitentiaries established, there would be, necessarily, in time, another step taken. That is the establishment of a federal prison in every place where United States court is held. There are three divisions, for example, in the southern district, and in each of these divisions there ought to be a federal prison."

"Yes, for a great many reasons I am inclined to believe that the law will pass, and Atlanta is generally agreed upon as the place for the southern penitentiary."

"Some time ago I had a talk with the attorney general about the penitentiary needed south, and about the division prisons. He gave no positive assurance, and I had to do about all the talking, but he has been favorably impressed, especially with the idea of the penitentiaries. I have no doubt that he will help the measure all he can."

"In reply to a question, 'I will do all I possibly can, in concert with all the federal officers, to impress upon congress the necessity for these penitentiaries, and then do all I can to have the southern penitentiary located here.'"

THE WEATHER REPORT.

Indications for Georgia.

WASHINGTON, January 17.—Indications for tomorrow: Warner fair weather, southeasterly winds.

OBSERVER'S OFFICE, SIGNAL SERVICE, U. S. A. (Gould Building), ATLANTA, Ga., January 17.

All observations taken at the same moment of actual time at each place.

Observations taken at 3 p. m.—seventy-fifth meridian time—at each place.

STATIONS.

Meridian..... 30.40 44.36..... Calm..... 00 Cloudless

Pensacola..... 30.36 54.46..... Light..... 00 Cloudy

Mobile..... 30.38 54.46..... Light..... 00 Cloudy

Montgomery..... 30.40 52.36..... Calm..... 00 Cloudless

New Orleans..... 30.34 54.50..... Light..... 00 Cloudless

Galveston..... 30.30 56.00..... Light..... 00 Cloudless

Palestine..... 31.28 52.00..... Light..... 00 Cloudy

Corpus Christi..... 31.24 52.00..... Light..... 00 Cloudless

Brownsville..... 30.30 54.00..... Light..... 00 Cloudless

Rio Grande City..... 30.24 58.00..... Light..... 00 Cloudless

LOCAL OBSERVATIONS.

(Local Time.)

Time of Observations.

A. M..... 30.57 50.20..... E 10..... 00 Cloudy

P. M..... 30.46 49.20..... E 10..... 00 Cloudless

Maximum Thermometer..... 46

Minimum Thermometer..... 27

Total Rainfall..... 0.00

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Appliances include Baths of Varied Forms, Massage, Swedish Movements, Electricity, Hygienic, Dietary, Pneumatic and Vacuum Treatment, etc.

All applied on principles scientifically exact and definite, which, together with pleasant home comforts and refined social surroundings makes this in every respect the most perfect Sanitarium south. Refers with permission to some of the most eminent and intelligent people of this and other states of repute.

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Are now offering the largest stock of

DIAMONDS,

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at prices positively

LOWER THAN THE LOWEST.

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## Tonic

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Great Invigorator,  
Blood Purifier, Pleasant  
Tonic and Stimulant,  
Cures Malaria, Biliousness,  
Scrofula, Dyspepsia, Indigestion,  
General Debility, etc., etc.,  
and restores the system to  
its normal condition.  
Bottle and box of pills  
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At all Druggists.  
Prepared by  
ALEXANDER'S MEDICINE CO., NEW YORK.

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Cholera Morbus Cure, or  
Pile Ointment fails to cure:

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wanger, Sharp Bros., Connally & Christian, D. S.  
Goldsmith & Co., M. B. Avery & Co., J. C. Huss,  
Smith & Hightower, L. E. Bratton, Hutchinson &  
Bro., At wholesale by Lamar Drug Co.  
June-14 nrm

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Chronic, Nervous, Blood and Skin

Diseases.

NERVOUS debility, seminal losses, im-

perfection, loss of memory, effect of bad habits, con-

fusion of ideas, safety and permanently cured.

BLOOD AND SKIN diseases, syphilis

and all its terri-

ble results totally eradicated. Ulcers, blotches,

sores or ulcerated throat and mouth, scrofula, ery-

sipela permanently cured when others have failed.

URINARY kidney and bladder troubles,

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gonorrhea, gleet, urinary sediments, cystitis, etc.,

quickly cured.

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nently cured without any cutting or caustics, or disla-

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CURES GUARANTEED.

A SURE CURE to young and middle-aged men

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of Michigan, of twenty years' experience, and is

strictly reliable. Send six cents in stamps for

"Perfect Question List" and book on diseases of

men. Enclose stamps for reply to your letter.

Call on or address DR. BOWES & CO.,

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References: Constitution, Jacobs' Pharmacy Co.

dec 7 d 1 y nrm

RECEIVER'S SALE.

UNTIL 12 M., FRIDAY, JANUARY 17th, I

will receive bids for the entire stock of J. A.

JACOBUS, 148 DECATUR STREET, consisting of

READY-MADE CLOTHING, HATS, BOOTS AND

SHOES, DRY GOODS AND NOTIONS.

Walter H. Rhett, Receiver,

31-2 Whitehall Street.

## HIS PASSION ROSE

## AND JUDGE CLARK DOUBLED HIS SENTENCE.

A Negro Is Sentenced to Ten Years in the Penitentiary for Threatening to Kill a Bailiff and for Using Abusive Language.

Twenty years in the penitentiary because he could not control his temper.

Charlie Green, a negro who was convicted of

larceny before Judge Richard H. Clark last

week and sentenced to ten years in the peni-

tentiary, had his term increased to twenty

years yesterday.

Green is a bad negro, and it was on account

of his meanness that Judge Clark doubled his

term.

The crime of which Green was found guilty

was stealing a mule, the property of Bailiff J.

M. Donehoo. He tried to sell the stolen mule,

and his conviction was an easy matter.

Twenty years is the limit of the law in such

cases, but at the time Judge Clark thought

half that term was sufficient punishment for

such a crime as Green had committed, nothing

but simple larceny being proven.

It turned out that Green was a dangerous

man to fool with. When the jury found

him guilty, and he realized that

the next ten years of his life

was likely to be spent behind prison walls in

chains and stripes, he became terribly enraged

at Bailiff Donehoo, the judge, solicitor, and

everybody else connected with the case. He

cursed and abused them all in a most dis-

graceful fashion.

When taken from the courtroom back into the

prisoner's room by Bailiff O'Shields, he went

on at an awful rate, and, going into the closet,

wrenched a ten-pound iron weight from the

sanitary apparatus. This he carried out into

the room, telling Bailiff O'Shields that he in-

tended to kill Bailiff Donehoo with it just as

soon as he put his head inside the door, which

he was likely to do at any moment, as his

duties required him to go in the prisoner's

room frequently.

"When I saw Green with that weight, and

raving so," said Bailiff O'Shields before the

court yesterday, "I expected every moment to

be knocked in the head myself. But he said

he wasn't going to hurt me, but only wanted

to get even with Donehoo. That didn't pre-

vent me from being uneasy, though."

It happened that Donehoo did not

have occasion to go into the prisoner's

room that evening, and Green was taken to

cell before he accomplished his threats. Bailiff

O'Shields says he has come into the room

while Green had the weight in his possession,

Donehoo would have been a dead man, sure.

When Bailiff O'Shields returned, he re-

ported the occurrence to the court, and Judge

Clark determined to bring Green before him

again, and give him five years longer for his

conduct, if it had been as stated.

Yesterday morning, Green was taken before

the court again. The weight was produced,

and Bailiffs Donehoo and O'Shields swore to

the statement as above.

"He's a bad man, your honor, and ought to

have the extent of the law," said Solicitor

Hill.

"When I sentenced the prisoner before to

ten years," said Judge Clark, "I thought I

had given him sufficient punishment for his

crime. In sentencing a criminal, there are

three things which I always take into con-

sideration. First, the moral turpitude of the

crime; second, the disposition and character

of the criminal, and, third, his ability to bear

the penalty.

"After I was told that the prisoner here had

behaved in the manner in which he did, I had

determined in my mind that his

merited an additional five years to his

sentence. Before pronouncing sentence, how-

ever, I will hear the prisoner's statement.

What have you to say, sir?"

Green flew into a passion, and denounced

Donehoo and the others who had taken part

in the case to the court. He said Donehoo

had perjured himself and had hired others to

do so, paying one man a dollar. He violently

declared he had not stolen the mule, but did

not deny, but admitted, that he had had the

weight in his possession in the prisoner's

room. He had not "drawn" it on Bailiff

Donehoo, because he had not been in the

room.

"As I said," continued the judge, "I always

consider the character of the man whom I am

sentencing. I find from the prisoner's state-

ment just made that he is a bad man, that he

had murdered in his heart while he held that

weight in his hand, and Mr. Donehoo would

doubtless have been killed had he gone in that

room while he was lying in wait for him there.

He has also made serious charges against

Mr. Donehoo, accusing him of perjury, and

also others. He is a dangerous man, and I

will therefore, in view of his statement and

conduct just now in the court room, give him

the limit of the law, twenty years, instead of

before, as I had before determined.

Judge Clark said he very seldom sentenced

to the limit of the law, unless the limit was

very low for the crime involved, and if any-

thing, this was one of those cases.

"Take the prisoner out, Mr. Bailiff."

"When Green rose to go with the bailiff, he

stood still a moment or so, apparently un-

decided whether to make a break for liberty,

rush at Donehoo, who stood near, or go

along to jail.

"Make it for life, judge," said Green as he

moved out, "I'd rather have that, than twenty

years."

"You are right there," said Judge Clark, "it

would suit you better."

When Green reached the prisoner's room he

went into a violent passion, and made

things very lively thereabouts for sometime.

He refused to be handcuffed, and would not

submit to being removed to jail. Finally

Bailiff Joe Anthony, who knew him well

went in, and after talking with Green several

minutes, persuaded him to allow the bracelets

to be put on. He was handcuffed with his

arms behind him, and after being fastened to

a chain, taken back to the jail with the other

prisoners.

Convincing Proof.

In many instances it has been proven that B. B.

B. (Botanic Blood Balm), made by Blood Balm Co.

Atlanta, Ga., will cure blood poison in its worse

phases, even when all other treatment fails.

A. P. Brunson, Atlanta, Ga., writes: "I had 24

running ulcers on one leg and 6 on the other, and

felt greatly prostrated. I believe I actually swal-

lowed a barrel of medicine in vain effort to cure

the disease. With little hope I finally acted on the

urgent advice of a friend, and got a bottle of B. B.

B. I experienced a change, and my despondency

was somewhat dispelled. I kept using it until I

had taken sixteen bottles, and all the ulcers,

rheumatism and all other horrors of blood poison

have disappeared, and at last I am sound and well

again, after an experience of twenty years of tor-

ture."

Robt. Ward, Maxey, Ga., writes: "My disease

was pronounced a tertiary form of blood poison.

My face, head and shoulders were a mass of cor-

ruption, and finally the disease began eating my

skull bones. My bones ached; my kidneys were

deranged. I lost flesh and strength, and life be-

came a burden. All said I must surely die, but

nevertheless, when I had used ten bottles of B. B.

B. I was pronounced well. Hundred of scars can

now be seen on me. I have now been well over

twelve months."

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